

# **Exhibit A**

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FILED

2019 DEC -9 AM 11:21

IN SUPERIOR COURT  
JEFFERSON COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF JEFFERSON

KARL AND MARCIA FRANZ,  
as Co-Trustees of the FRANZ FAMILY TRUST,  
dated August 19, 1996

Plaintiff,

vs.

CHRIS LENZI, a single man

Defendant.

NO. 19-2-00239-16

AMENDED COMPLAINT FOR  
QUIET TITLE, EJECTMENT  
TRESPASS AND  
INJUNCTION

COMES NOW the Plaintiff, by and through the undersigned attorney, Bert D. Boughton of Cross Sound Law Group, for cause of action against the Defendants, and alleges that:

**I. Parties and Introduction**

1.1 Plaintiff, the Franz Family Trust, through Karl and Marcia Franz trustees, (collectively, "Franz") is the owner of real property located at 802 Rhododendron Drive, Quilcene, WA, Jefferson County, Washington, Parcel No. 701.44047. *See Exhibit A attached hereto for legal description.*

1.2 Defendant Chris Lenzi, is a single man residing at 810 Rhododendron Drive, Quilcene WA 98376, situated in Jefferson County, Washington, Parcel No.

1 701344029. *See Exhibit B attached hereto for legal description.*

## 2 **II. Jurisdiction and Venue**

3 2.1. Jurisdiction and venue are proper in Jefferson County pursuant to RCW  
4 4.12.010(1) because the action involves title to and damage to real property located within  
5 Jefferson County, Washington.

## 7 **III. Facts**

8 3.1 The Franz Family Trust owns the real property located at 802  
9 Rhododendron Drive, within the Dabob Cove Community (hereinafter the Franz Property).  
10 Karl and Marcia Franz purchased this property on November 16, 2001. They and/or the  
11 Franz Family Trust have owned and occupied the property since that time.

12 3.2 The Defendant, Chris Lenzi, purchased the real property located at 810  
13 Rhododendron Drive (hereinafter the Lenzi Property), on October 17, 2017 and upon  
14 information and belief, Mr. Lenzi resides on this property.

15 3.3 The Franz property was owned and occupied by Mr. Mrs. Franz'  
16 predecessors in interest for approximately seven (7) years prior to 2001. Since  
17 approximately 1994, the Plaintiffs or their predecessors in interest have owned, possessed  
18 and used the Franz Property exclusively.

19 3.4 When the house on the Franz Property was constructed, in approximately  
20 1994, a portion of the driveway, and/or foundation for the driveway extended several feet  
21 north of the surveyed boundary line and onto the Lenzi property, according to deed.

22 3.5 At the same time that the Franz' house was constructed (1994), a foot path  
23 was constructed North of the survey line between the Franz Property and the Lenzi  
24 Property which encroaches onto Lenzi's deeded property and runs in an Easterly direction  
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1 for approximately 27 feet where it crosses the surveyed deed line onto the Franz Property.  
2 This foot path has been, possessed and used regularly for access to gardening areas  
3 adjacent to the path for approximately 25 years.

4       3.5     When the Plaintiffs purchased and took possession of the Franz Property in  
5 approximately 2002, survey landmarks were in place and clearly visible in a manner which  
6 purported to set out the Franz' Northern boundary between their property and what is now  
7 the Lenzi Property. These survey landmarks were portrayed as the Northern boundary of  
8 the Franz Property by the sellers at the time, and Mr. Mrs. Franz operated under the  
9 understanding and belief that those survey markers represented their Northern Deed line.  
10

11       3.6     The above referenced Survey markers were situated approximately 256 feet  
12 to the North of the surveyed deed line and established a line of possession which creates a  
13 triangle area of property north of the surveyed deed line. This triangle shaped piece of  
14 property (Hereinafter the Disputed Triangle) was understood by the Plaintiffs to be their  
15 property, and it was continuously and exclusively possessed, and used, in an open and  
16 notorious manner, hostile to the true deed owner for approximately 25 years since at least  
17 1994. *Please see a diagram and description of the property attached to original complaint,*  
18 *filed October 28, 2019 as Exhibit C.*  
19

20  
21       3.7     The Plaintiffs during their ownership of the Franz Property have planted and  
22 regularly maintained landscaping in the disputed triangle. They have further used the  
23 disputed triangle regularly to exercise their dogs. They have also employed gardeners and  
24 loggers to maintain and remove numerous trees in the disputed triangle over the Eighteen  
25 years they have owned the property.  
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1 pursuant to RCW 7.28. et. seq. RCW 7.28.050, RCW 7.28.120 and any other applicable  
 2 statute or common law rule.

3 4.2 Ejectment. The Franzes are entitled to an order permanently ejecting  
 4 Defendant Lenzi from those areas owned by Franz in fee simple established by the court,  
 5 pursuant to RCW 7.28.

6 4.3 Trespass. Defendant Lenzi has trespassed upon the Franz property by  
 7 going onto the Franz property and in so doing did wrongfully remove timber, and/or did  
 8 wrongfully cause injury to the Plaintiff's land. Further, Defendant Lenzi acted wrongfully  
 9 in that he acted intentionally and unreasonably because he knew he lacked the  
 10 authorization to remove trees and/or to damage the Franz' real property. The Plaintiffs are  
 11 entitled to a judgment and to damages, attorney fees and costs for said trespass, under  
 12 common law and under RCW 4.24.630 alternatively.

13 4.4 Declaration of Right to Lateral Support. Plaintiffs seek an order declaring  
 14 their right to lateral support by Defendant Lenzi and an order enjoining Defendant Lenzi  
 15 from taking any activity including logging and removal of trees or other vegetation that  
 16 would compromise or undermine that lateral support.

17 4.5 Injunction. Plaintiffs should be granted an order permanently enjoining  
 18 Defendant Lenzi from interfering with, entering on or otherwise limiting any real property  
 19 rights that this Court declares exists in favor of Franz.

20 4.6 Declaration of Rights. Plaintiffs Franz seek an order declaring their rights  
 21 in the subject real properties, and determining the scope and use of said properties.

## 22 VI. Prayer for Relief

23 WHEREFORE Plaintiffs pray for a judgment as follows:

1           1.       For an order quieting title in Franz' favor in fee simple in the area described  
2 above as the "disputed strip" and for further order permanently ejecting Defendant Lenzi  
3 from those areas owned by Franz in fee simple.

4           2.       For a permanent injunction precluding Defendant Lenzi from interfering  
5 with, damaging, or removing trees or landscaping on the real property determined to be  
6 owned by Franz in fee simple.

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8           3.       For an order finding that Defendant Lenzi has committed trespass, and for  
9 an award of damages under common law trespass and/or for treble damages, attorney fees  
10 and costs pursuant to RCW 4.64.630.

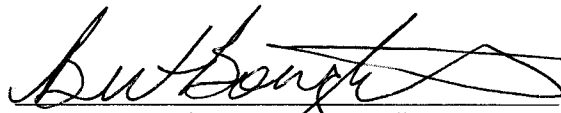
11           4.       For an order establishing Franz' right to lateral support and enjoining  
12 Defendant Lenzi from removing support and interfering with this right.

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14           6.       For an award of attorney fees as authorized by statute per any applicable  
15 legal theory or equitable reason.

16           7.       For other relief the Court finds equitable and just.

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18  
19       DATED this 5<sup>th</sup> day of December 2019.

20                               CROSS SOUND LAW GROUP

21                                 
22                               Bert D. Boughton, W.S.B.A. # 22026  
23                               Attorney for Plaintiff

**DECLARATION OF SERVICE**

I declare under penalty of perjury under the laws of the State of Washington that, on the 5<sup>th</sup> day of December 2019, I caused to be delivered via e-mail per stipulated e-service agreement to the following addresses a copy of the following documents: Amended Complaint.

Isaac Anderson  
PO Box 1507  
Kingston, WA 98346  
[isaac@isaacandersonlaw.com](mailto:isaac@isaacandersonlaw.com)

Dated this 5<sup>th</sup> day of December 2019, at Poulsbo, Washington.

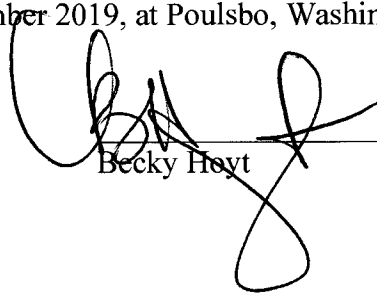
  
Becky Hoyt

EXHIBIT A

**LEGAL DESCRIPTION OF MARIC & KARL FRANZ PROPERTY:**

Abbreviated Legal Description:

lot 2, ROBERT CLARK SHORT PLAT, Jefferson County,  
Washington Assessor's Property Tax Parcel Account Number:  
701 344 047

KNOW ALL MEN BY THESE PRESENTS, I, KARL D. FRANZ  
and MARCIA K. FRANZ.

hereinafter called Grantor, for and in consideration other than money  
or money's worth, grants, bargains, sells and conveys to KARL D.  
FRANZ and MARCIA K. FRANZ. Co -trustees of the Franz Family  
Trust under agreement dated August 19, 1996, as amended and  
restated, hereinafter called the Grantee, and unto Grantee and  
Grantee's successors and assigns, any and all of their interests in all of  
that certain real property with the tenements, hereditaments and  
appurtenances thereunto belonging or in any way appertaining,  
described as follows:

Lot 2. ROBERT CLARK SHORT PLAT. AS PER PLAT  
RECORDED IN VOLUME 2 OF SHORT PLATS, PAGES 208,  
RECORDS OF JEFFERSON COUNTY, WASHINGTON; EXCEPT  
THAT PORTION DESCRIBED IN DEED TO JOHN N. KAPP  
RECORDED JUNE 12, 1998 UNDER AUDITOR'S FILE  
NO. 411561

SITUATE IN JEFFERSON COUNTY, STATE OF WASHINGTON

**EXHIBIT B**

**LEGAL DESCRIPTION OF CHRIS LENZI PROPERTY:**

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 27 NORTH, RANGE 1 WEST, W.M. DESCRIBED AS FOLLOWS:

BEGINNIN AT THE SOUTHEAST CORNER OF SAID SECTION 34;  
THENCE NORTH 88°25'20" WEST, ALONG THE SOUTH LINE THEREOF, 1691 FEET;  
THENCE NORTH 1°30' EAST 372 FET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 1°30' EST 532 FEET;  
THENCE NORTH 88°30' WEST 315 FEET;  
THENCE SOUTH 23°30' WEST 141 FEET;  
THENCE SOUTH 19° WEST 207 FEET;  
THENCE SOUTH 27° WEST 230 FEET TO A POINT FROM WHICH THE TRUE POINT OF BEGINNING BEARS SOUTH 88°30' EAST 525;  
THENCE SOUTH 88°30' EAST 525 FEET TO THE TRUE POINT OF BEGINNING;  
(ASLO KNOWN AS TRACT 10 OF DABOB COVE TRACTS, AN UNRECORDED PLAT)

SITUATE IN THE COUNTY OF JEFFERSON, STATE OF WASHINGTON.